

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

KEVIN YAN LUIS, on behalf of himself  
and all others similarly situated,  
Plaintiffs,

1:22-CV-01594-PAE

v.

FREE SPEECH SYSTEMS LLC D/B/A/  
INFORWARSTORE.COM,  
Defendant,

APRIL 8, 2022

**ANSWER AND SPECIAL DEFENSES**

**Answer**

1. The Defendant admits that Plaintiff Kevin Yan Luis has brought this action on behalf of himself, but it denies that he has properly brought this action on behalf of all other persons similarly situated.

2. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

3. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

4. Denied.

5. Denied.

6. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

7. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

8. Denied.

9. Denied. Paragraph 9 states conclusions of law to which no responsive pleading is required. To the extent a responsive pleading is required, the allegations in this paragraph are denied.

10. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

11. Denied.

12. Admitted.

13. Admitted.

14. Denied.

15. The Plaintiff's complaint appears to be missing paragraph 15 in a typographical error. Thus, the Defendant lacks sufficient knowledge and information to respond to this paragraph.

16. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

17. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

18. Admitted.

19. The Defendant admits that it provides to the public a website known as Infowarsstore.com. The rest of the paragraph is denied.

20. Admitted.

21. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

22. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

23. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

24. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

25. Admitted.

26. Admitted.

27. Admitted.

28. Denied.

29. Denied.

30. Denied.

31. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

32. Denied.

33. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

34. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

35. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

36. There is no paragraph 36 in the Complaint. For that reason, the Defendant has no response.

37. There is no paragraph 37 in the Complaint. For that reason, the Defendant has no response.

38. There is no paragraph 38 in the Complaint. For that reason, the Defendant has no response.

39. Denied.

40. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

41. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

42. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

43. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

44. Denied. The Defendant denies this paragraph and all subparts in their entirety.

45. Denied.

46. Denied.

47. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

48. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

49. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

50. Denied.

51. The Defendant lacks sufficient knowledge and information to respond to this paragraph and all of its subparts and therefore leaves the Plaintiff to his proof.

52. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

53. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

54. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

55. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

56. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

#### FIRST CAUSE OF ACTION

57. The Defendant hereby incorporates its responses to contained in paragraphs 1 through 56 of this Answer as though they were set forth in full.

58. The Defendant admits that Title III of the Americans With Disabilities Act contains the first provision referenced in Paragraph 58. The Defendant denies that the second provision, in the second sentence of Paragraph 58, is located in Title III.

59. Denied.

60. Denied.

61. Denied. This paragraph contains a legal conclusion to which the Defendant is not required to respond to.

62. Denied. This paragraph contains a legal conclusion to which the Defendant is not required to respond to.

63. Admitted.

64. Admitted.

65. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

66. Denied.

67. Denied.

68. Denied.

69. Denied.

70. Denied.

71. Denied.

72. Denied.

#### SECOND CAUSE OF ACTION

73. The Defendant hereby incorporates its responses to contained in paragraphs 1 through 72 of this Answer as though they were set forth in full.

74. Denied.

75. Denied.

76. Denied.

77. Denied.

78. Admitted.

79. Admitted.

80. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

81. Denied. This paragraph and all subsections are denied in their entirety.

82. Denied.

83. Denied.

84. Denied.

85. Denied.

86. Denied.

87. Denied.

### THIRD CAUSE OF ACTION

88. The Defendant hereby incorporates its responses to contained in paragraphs 1 through 87 of this Answer as though they were set forth in full.

89. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

90. Admitted.

91. Admitted.

92. Denied.

93. Denied.

94. Denied.

95. The Defendant lacks sufficient knowledge and information to respond to this paragraph and therefore leaves the Plaintiff to his proof.

96. Admitted.

97. Admitted.

98. Denied.

99. Denied.

100. Denied.

#### FOURTH CAUSE OF ACTION

101. The Defendant hereby incorporates its responses to contained in paragraphs 1 through 100 of this Answer as though they were set forth in full.

102. Denied.

103. Denied.

104. Denied.

105. Denied.

106. Denied.

107. Denied.

108. Denied.

109. Denied.

110. Denied.

111. Denied.

112. Denied.

#### FIFTH CAUSE OF ACTION

113. The Defendant hereby incorporates its responses to contained in paragraphs 1 through 112 of this Answer as though they were set forth in full.

114. Denied.

115. Denied.



**First Special Defense**

The Plaintiff's claims are barred because Title III of the Americans with Disabilities Act is applicable to physical places of business, not websites. Title III does not expressly include websites as places of public accommodation.

**Second Special Defense**

The Plaintiff has failed to allege sufficient facts to certify a class.

THE DEFENDANT

By: /s/ Norman A. Pattis

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Dated: April 8, 2022.

**CERTIFICATE OF SERVICE**

I hereby certify that on April 8, 2022 a copy of the foregoing motion and its attached exhibits were filed electronically. Notice of this filing will be sent to all parties by the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

/s/ Norman A. Pattis